

REMARKS

The courteous telephone interview recently granted the undersigned by Examiner Passaniti is greatly appreciated. The '950 Finney patent and proposed amendments to the main claims was discussed. No agreement was reached.

Claims 1-13 remain herein for consideration. Reconsideration in view of the present amendment is requested.

Minor amendments have been made to correct indefiniteness in claims 7, 8, and 12.

Claims 1,3,4,7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finney ('950) in view of Ruvang, Solheim and Nelson. This rejection is traversed because there is no suggestion in the references for combining them and even if combined they would not provide the claimed invention. None of the references or any combination of them disclose "said head having a thickness between said face and back surfaces that varies in the head and toe regions from a maximum at the sole to a minimum at the top surface, and a thickness in a central region of less than 20% of the thickness in heel and toe regions; said sole having a cut out region extending from said back surface toward said face . . . and an insert configured to fill at least some of said cut out region and having edges configured to slide into said recessed edges" as recited in claims 1 and 9.

Finney discloses a fixed or integral sole plate 66 with attachable weights 58,60 at the heel and 54,56 at the toe (col. 7, lines 19-34). Sole plate 66 is an integral part of the face.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finney ('950) in view of Ruvang, Solheim, Nelson and Sahm. This rejection is traversed for the reasons pointed out with respect to claims 1 and 9, and because there is no suggestion in the references for combining them and even if combined they would not provide the claimed

invention.

Claims 6, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finney ('950) in view of Ruvang, Solheim Nelson, and Fenton. This rejection is traversed for the reasons pointed out with respect to claims 1 and 9, and because there is no suggestion in the references for combining them and even if combined they would not provide the claimed invention.

Claims 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over finney ('950) in view of Ruvang, Solheim, Nelson and Sahm. This rejection is traversed for the reasons pointed out with respect to claims 1 and 9, and because there is no suggestion in the references for combining them and even if combined they would not provide the claimed invention.

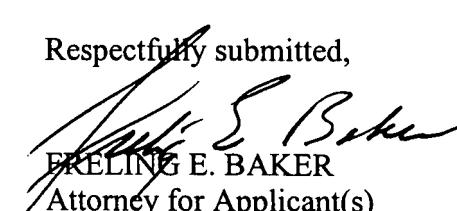
For the above reasons, it is submitted that the claims as amended clearly and patentably distinguish over the cited reference. Accordingly, the application is believed to be in condition for allowance and such action is respectfully solicited.

If any issues remain unresolved the Examiner is requested to telephone the undersigned at the below indicated telephone number.

No fees are due.

Respectfully submitted,

By:


FRELING E. BAKER
Attorney for Applicant(s)
Registration No. 24,078

BAKER & EDDY
12625 High Bluff Drive, Suite 203
San Diego, California 92130
Telephone: (858) 350-9520